

## **PROCEDURE FOR ABANDONMENT OF A PUBLIC RIGHT-OF-WAY/EASEMENT**

- A. An application for the abandonment of a public right-of-way/easement by the City of College Station must be made pursuant to the procedure described below in order to get a request before the City Council. The application should insure that all stipulations and instructions outlined herein have been complied with prior to submission of the final application for action by the City Council of the City of College Station.

1. Application required

Attached to this information sheet is an application form for the abandonment of a public right-of-way/easement.

2. Submission deadline

The application must be completed and returned to the Development Services Department. The Development Services Department will circulate the application among the various City departments for review and approval. After all City departments have executed the application, it will be forwarded to the Engineering Department. The Engineering Department will place the application on the next Council agenda. The City Council holds regular sessions on the second and fourth Thursdays of the month at 7:00 p.m. An applicant may attend the meeting, if desired. The item will be presented by the staff. After Council consideration of the request, the applicant will be notified of the action taken by the Council relative to the abandonment request.

3. First page of application

- a. On the first page of the application, the heading information to be filled in includes the name of the addition or subdivision in which the public right-of-way/easement is located. The exception to this case would be the abandonment of a street, in which case the street name would appear in the heading. The date the application is prepared should be entered in the appropriate space. Item No. 6 on the first page should set out the names and addresses of the abutting property owners who have not consented to the vacation and abandonment which you seek. Abutting property owners are (1) owners of land that abut any portion of the land immediately next to the public right-of-way/easement proposed to be abandoned, and (2) owners of land within 1,000 feet of either end of the proposed abandonment area. You should also state why their consent was not obtained; that is, if you were unable to locate the abutting property owners or if the abutting property owner refused to give his or her consent, you should so state briefly setting out the points of objection that such owner might have to this abandonment. Additional sheets may be used if necessary to fully explain.
- b. Item No. 7 provides space for a brief statement of the reason such right-of-way/easement should be abandoned. Item No. 8 should relate briefly the history of the use of the right-of-way/easement sought to be abandoned. It is very important that the full name and

address of the applicant be shown in the space provided. This will insure proper notification to the applicant following action by the Council. The applicant's signature must appear immediately above the typed name and the notary certification must be completed.

4. Exhibit No. 1

Please note that the abandonment of right-of-way/easement may convey, by law, part of the property to the abutting property owner on the other side. You must provide, attached to the application, two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned. It is required that you have a licensed land surveyor provide this information for you. Please note, an employee of the Engineering Department, by law, cannot prepare legal descriptions for you.

5. Exhibit No. 2

You must provide, attached to the application, two copies of a plat or detailed sketch of the right-of-way/easement sought to be abandoned. Again, this item is most easily furnished by a licensed land surveyor. It must clearly show the surrounding areas to the nearest streets in all directions, abutting lots, and the block or blocks in which the area sought to be abandoned is located. It shall also show the names of the record owners of the lots abutting the area sought to be abandoned.

6. Exhibit No. 3

Exhibit No. 3 must be executed by the various utility companies shown. As applicant you are responsible for circulating the application and securing the signatures of the authorized representatives.

7. Exhibit No. 4

Exhibit No. 4 must be executed by the various City of College Station staff. The Development Services Department will be responsible for circulating the application amongst the City departments.

8. Exhibit No. 5

Exhibit No. 5 constitutes the consent of the abutting property owners (other than the applicant) to the vacation and abandonment. The full names, addresses and signatures are required for all who consent to the requested abandonment. The names and addresses of those who cannot be contacted should appear under Item No. 6 on with the appropriate explanation made on Page 1 of the application.

- B. In the preparation of your application, should you encounter any problems or have questions, the answers to which you are unable to find in this information sheet, please do not hesitate to contact the Development Services Department for assistance.
- C. By Council Resolution No. 8-23-01-11.06, the fee for an application has been set at \$300.00, which is non-refundable.



FOR OFFICE USE ONLY

P&Z CASE NO.: \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_

## ABANDONMENT OF PUBLIC ROW-OF-WAY/EASEMENT APPLICATION

### MINIMUM SUBMITTAL REQUIREMENTS

- ☐ \$300.00 Abandonment of Public Right-of-Way (ROW)/Easement application fee.
- ☐ A completed copy of the attached Abandonment of Public ROW/Easement application.
- ☐ All exhibits processed (except for Exhibit No. 4, which will be processed by staff).

ADDRESS \_\_\_\_\_

LEGAL DESCRIPTION \_\_\_\_\_

APPLICANT (Primary Contact for the Project):

Name \_\_\_\_\_ E-Mail \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

PROPERTY OWNER'S INFORMATION (if different from above):

Name \_\_\_\_\_ E-Mail \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

*The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.*

\_\_\_\_\_  
Signature of Owner, Agent or Applicant

\_\_\_\_\_  
Date

**APPLICATION FOR  
THE ABANDONMENT OF A  
PUBLIC RIGHT-OF-WAY/EASEMENT**

Date: \_\_\_\_\_

Location of Right-of-Way/Easement to be Abandoned: \_\_\_\_\_

\_\_\_\_\_

Property Owner's Name & Address: \_\_\_\_\_

\_\_\_\_\_

Property Owner's Phone Number: \_\_\_\_\_

**TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:**

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
2. Attached, marked Exhibit No. 1, are two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.
5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the abandonment.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

\_\_\_\_\_

\_\_\_\_\_

7. Such public right-of-way/easement should be abandoned because:

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8. Such public right-of-way/easement has been and is being used as follows:

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I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

\_\_\_\_\_

Applicant's Phone Number: \_\_\_\_\_

STATE OF TEXAS       )  
COUNTY OF BRAZOS    )

ACKNOWLEDGMENT

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

Application for Abandonment of  
a Public Right-of-Way/Easement

Located: \_\_\_\_\_

**EXHIBIT NO. 1**

Attached are two sealed copies of the metes and bounds description (dividing the area in half) of the public right-of-way/easement situated in \_\_\_\_\_  
Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be abandoned.

Application for Abandonment of  
a Public Right-of-Way/Easement

Located: \_\_\_\_\_

**EXHIBIT NO. 2**

Attached are two copies of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

Application for Abandonment of  
a Public Right-of-Way/Easement

Located: \_\_\_\_\_

**EXHIBIT NO. 3**

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

TXU GAS COMPANY

BY: \_\_\_\_\_  
Title \_\_\_\_\_

VERIZON TELEPHONE COMPANY

BY: \_\_\_\_\_  
Title \_\_\_\_\_

COX COMMUNICATIONS

BY: \_\_\_\_\_  
Title \_\_\_\_\_



Application for Abandonment of  
a Public Right-of-Way/Easement

Located: \_\_\_\_\_

**EXHIBIT NO. 4**

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested abandonment from the City's standpoint.

\_\_\_\_\_  
Engineer  
City of College Station

\_\_\_\_\_  
Building Official  
City of College Station

\_\_\_\_\_  
Zoning Official  
City of College Station

\_\_\_\_\_  
Fire Marshal  
City of College Station

\_\_\_\_\_  
Director of Public Utilities  
City of College Station

Application for Abandonment of  
a Public Right-of-Way/Easement

Located: \_\_\_\_\_

**EXHIBIT NO. 5**

The undersigned, owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_